REMARKS

Amendments to claims 1 and 14 are for the purpose of clarifying what Applicants regard as the invention. Amendment to claim 3 is to recite a limitation formerly presented in claim 1. Amendment to claim 16 is to recite a limitation formerly presented in claim 14. Amendments to claims 12 and 25 are to change claim dependencies. No new matter has been added.

I.   Claim rejections under 35 U.S.C. § 112

Claims 1 and 14 stand rejected under 35 U.S.C. § 112, second paragraph, for reciting "substantially." Claims 1 and 14 have been amended to remove such limitation. Therefore, Applicants respectfully submit that claims 1 and 14 as amended satisfy the requirements of 35 U.S.C. § 112, second paragraph.

II.   Claim rejections under 35 U.S.C. § 103

Claims 1-3, 8-16, and 21-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0005419 (Pieper) in view of U.S. Patent No. 5,812,854 (Steinmetz).

Claims 1 and 14 each recites flagging at least one portion of a code to indicate that the at least one portion is dependent on a target processor. Neither Pieper nor Steinmetz disclose or suggest such limitation. Applicants agree with the Examiner that Pieper does not disclose or suggest flagging a portion of a code (i.e., to indicate that the portion is target processor dependent). However, Applicants respectfully submit that Steinmetz fails to make up the deficiency present in Pieper. Particularly, Steinmetz discloses:

> ". . . any pseudo-ops present in the user-defined machine-dependent code input 310
> would also be converted to a form compatible with machine-dependent intermediate

code. . . .to serve as compiler directive mechanisms during machine-dependent optimizations, which are performed later in the preferred embodiment." (column 9, lines 25-41).

"During the machine-dependent optimizations of step 316, the compiler directive mechanism or pseudo-ops contained in the code can be used to control the optimizations performed by the compiler. For example, the user-defined machine code input 310 could contain a pseudo-op directing the compiler to leave a group of instructions in a predetermined order, i.e., the order they were written by the programmer. This result may be desired for hardware or functional reasons, even though a typical compiler would otherwise determine that from a data dependence point of view they could be legally rearranged. Thus, the pseudo-op flags group of instructions so the compiler will not reorder them even if the compiler believes such a reordering would be more efficient. . . . Thus, the preferred embodiment allows for the programmer to have more control over how the compiler optimizes the code, particularly how it optimizes the machine dependent user-defined code input 310. The next step 318 is to translate the integrated and optimized code into machine code form that can be read by the target computer system. Thus, the resulting machine code is well integrated and optimized. This results in code with fast and efficient performance." (column 9, line 64 to column 10, line 31).

As such, Steinmetz teaches using pseudo-op to flag group of instructions such that an operation of a compiler can be controlled. However, there is nothing in Steinmetz that discloses or suggests flagging a portion of a code *to indicate that the portion is dependent on a target processor*, as recited in claims 1 and 14.

For at least the foregoing reason, claims 1 and 14, and their respective dependent claims, are believed allowable over Pieper, Steinmetz, and their combination.

CONCLUSION

Based on the foregoing, all claims are believed allowable, and an allowance of the claims

is respectfully requested. If the Examiner has any questions or comments, the Examiner is

respectfully requested to contact the undersigned at the number listed below.

If the Commissioner determines that additional fees are due or that an excess fee has been

paid, the Patent Office is authorized to debit or credit (respectively) Deposit Account No.

50-2518, billing reference no. **7017922001**.

Respectfully submitted,

Bingham McCutchen LLP

Dated: _10/14/04_   By: _____

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